



Nceda uqaphele ukuba esi sishwankathelo seNcwadi yeSigqibo yeTshiamiso Trasti senzelve ukuze sancede abafaki-mabango kunye namanye amaqela anomdla ngamagqabantshintshi amafutshane omsebenzi olugunyaziso ngokwasemthethweni weTrasti. Esi sishwankathelo asiyoncwadi ibophelelayo ngokwasemthethweni.



Imbali

Intlawulo yebango leqela labantu lethayisisi nesifo sephepha kunye neNcwadi yeSigqibo yeTrasti kwavunyelwana ngayo ziinkampani zemigodi ezintandathu kunye namagqwetha amele abasebenzi-mgodini abafuna ukufaka amabango okonakalelwa ngokubhekiselele kwezo nkampani.

Iinkampani ezibandakanyekayo yi-African Rainbow Minerals, i-Anglo American SA, i-AngloGold Ashanti, iGold Fields, iHarmony kunye neSibanye-Stillwater. Amagqwetha abafaki-mabango yiRichard Spoor Inc, i-Abrahim Kiewit Inc kunye ne-Legal Resources Centre.

Injongo yeTrasti ichazwa “njengokuphumeza isivumelwano seNtlawulo kunye nokunikizela ngeNzuzo kuBafaki-mabango Abafanelekileyo (nabangabo ekumele baxhamle kwiTrasti) ngezixa-mali kunye nangaphantsi kwemimiselo echazwe kule Ncwadi yeSigqibo yeTrasti (Injongo yeTrasti). Imisebenzi yeTrasti iya kujoliswa, kwaye iNgxowa-mali yeTrasti iya kusetyenziswa ekuphumezeni, iNjongo yeTrasti.”



Kwabo ifaneleke kubo intlawulo yeTrasti

Isivumelwano sentlawulo sifanelekile phantse kubo bonke abasebenzi kwimigodi egolide ababesenza umsebenzi onomgcipehko komnye wemigodi yegolide engama-82 engaphantsi kobunikazi bezi nkampani zintandathu. Umsebenzi onomgcipehko uchazwa kwiNcwadi yeSigqibo yeTrasti njengeCandle 13 lomthetho i-Occupational Diseases in Mines and Works Act (ODMWA), nochaza umntu njengowenza umsebenzi onomgcipehko ukuba ngaba ubehlengana nothuli noluqethele okanye ulunento ekulo enobungozi okanye esenkoba nobungozi, okanye iliges, imiphunga, izinto zomachiza, iimo okanye iimeko zokusebenza ezinobungozi okanye ezisenokuba nobungozi.

Eminye yale migodi ingama-83 sele yaba nabanye abanikazi ngokuhamba kwexesha. Isivumelwano sityasebenza kule migodi ifanelekileyo kuphela ngalo maxesha imigodi le eyayinxalenye yeqela leenkampani ezintandathu kwisivumelwano sentlawulo.

Sityasebenza kwabo basebenzi ababesenza umsebenzi onomgcipehko nababesenza kulo migodi kwixesha eliphakathi kombha we-12 Matsi 1965 kunye nomhla we-10 Disemba 2019 (umhla wokuqala ukusebenza), kwanabo bathi banesifo ithayisisi mandulo okanye abafunyaniswe ngoxilongo ukuba banethayisisi ngaphambi kukaDisemba 2031, okanye abaye banesifo sephepha (i-TB) ngelixa besebenza kulo migodi okanye ungeqapheli unyaka emva kokuba bemkile apho emgodini.

Nakuba kunjalo, asisebenzi kwabo babeyinxalenye baso nasiphi esinye isivumelwano sethaysisisi, kuquka intlawulo yeQhubeka Trasti, kwakunye nakwabo bambalwa abakhetha ukuba bangazibandakanyi kwintlawulo ngelixa lokuzikhuphela ngaphandle ekupheleni kuka-2019.



Amaqela entlawulo kunye nokutshintshwa kweenzuzo

Amaqela alishumi adweliswe apha ngezantsi. Izixa-mali ezichaziweyo zezona zixa ziphezulu umfaki-bango anokufundisa kwiTshiamiso Trasti xa ngaba ezizalisekisa zonke iinqobo.

Iinqobo ekufanele zifizekисwe kunye notshintsho okanye iindlela zokutshintsha ekufanele ukuba izisebenzise iTshiamiso Trasti zezo zidingekayo ngokweNcwadi yeSigqibo yeTrasti.

Kwimeko apho umfaki-bango wayesebenza komnye okanye ngaphezulu umgodi ofanelekileyo kwengama-83 kwaye kananjalo wayesebenza komnye imigodi engeyayo efanelekileyo kwaye eye wanethayisisi okanye i-TB enxulumene nomebenzi, usenokufaneleka ukuba afumane kuphela umlinganiselo obalwe ngokwexesha (pro-rata) wesixa esipheleleyo sebango. Nakuba kunjalo, nabanina owayesebenze kumgodi ofanelekileyo iminyaka engama-30 ubucinane ayisayi kutshintshwa ngale ndlela inzuzo yakhe. Oku kuyafana nakulowo oxhomekeke ngokwenkxaso yemali kulo mfaki-bango sele wasweleka.

Kwimeko apho umfaki-bango ofanelekileyo wayenze umsebenzi onomgcipehko kumgodi ofanelekileyo kodwa kungekho ixesha elifaanelekileyo, inzuzo ehlawulwayo kuya iyakwhehliswa ngokubalwa ngokwelo xesha (pro-rata).

Umfaki-bango ofanelekileyo unokufumana kuphela iqela elinye lenzuzo, nangona enokuba waye wanazo zombini ithayisisi kunye ne-TB. Oku kukwanjalo nakwiimeko apho imeko yomfaki-bango inokuthi iqhubele phambili kwiinqanaba eelingaphezulu lesifo emveni kokuba sele ilihlawulwe inzuzo. Bakuba behlawulwe, abo bafaki-mabango abasayi kukwazi ukuphinda benze ibango ngokusekelwe kwimeko yabo eye yaba mandundu.

Kwimeko apho inzuzo engaphantsi komthetho i-ODMWA yethayisisi okanye i-TB iye yonyuswa ngokubhengezwa kwiGazethi kaRhulumente emva kombha we-10 Disemba 2019, aze umfaki-bango ofanelekileyo abe selungelweni lokufumana esi sixa-mali somfaki-bango ofanelekileyo abe selungelweni Ezixulumene Nomebenzi (CCOD), inzuzo ehlawulwa yiTshiamiso Trasti iya kwehliswa ngeso sixa singaphezulu.

Ngaphantsi kweemeko ezithile intlawulo eyinzuzo isenokwhehliswa ngesixali esimiselwe yiNkqozo yeRhafu yaseMzantsi Afrika (i-SARS), size eso sixa silhwalulwe e-SARS.

Kwimeko apho kukho umfaki-bango ongumntu oxhomekeke ngokwenkxaso-mali kulowo ungasekhoyo ngaphezulu kunomnye, sisonke isixa-mali esiya kuhlawulwa kwabo bafaki-mabango ngokomyinge asisayi kuba ngaphezulu kunenzuzo iyonke ehlawulwayo ngokuxulumene nalo meko yesigulo.



Ukukhangela abafaki-mabango

Ngumsebenzi weTrasti ukukhangela abafaki-mabango abafanelekileyo abaninzi kangangoko ikwaziyo kwiminyaka elishumi yokuqala ukusuka ekusekweni kwayo iTrasti.

Ukuncedisa kulo nkqubo:

1	Amagqwetha abafaki-mabango kudingeka ukuba angenise kwiTrasti iinkcukacha zabo bonke abo bafaki-mabango asebenza egameni labo kwisimangalo sebango leqela labantu;	3	Nangona nje ingeyomfuneko yeNcwadi yeSigqibo yeTrasti, iinkampani eziseke itirasti nazo zafumana ulwazi olufanelekileyo eTEBA malunga nabasebenzi abaqeshwa zizo;
2	Iinkampani ezithatha inxaxheba kudingeka ukuba zingenise kwiTrasti zonke iirekhodi zengqesho ezikhoyo zabasebenzi ababesenza umsebenzi onomgcipehko kwimigodi efanelekileyo kumaxesha afanelekileyo;	4	ITrasti kananjalo isebenzisana ne-Medical Bureau for Occupational Diseases (MBOD) ukufumana ulwazi malunga nabantu abangeniswe amabango embuyekayo kuyo, kwaye kangangoko kunokwenzeka izame ukulumkela ukuphindwa-phindwa komsebenzi ngokubhekiselele kubantu abaselungelweni lokufumana iinzuzo kuzo zombini iTrasti kunye ne-MBOD.



Abaphathiswa beTrasti

Iinkampani ezithatha inxaxheba zonjula abaphathiswa beTrasti abathathu, ababini bonjwala ngamagqwetha abafaki-mabango waze omnye wonjwala ngurhulumente. Ushilalo wokuqala weTrasti wonjwala ngokuhlengelayo ziinkampani kunye namagqwetha abafaki-mabango.



Ikomiti Yokucebisa yeTrasti

ITrasti nomsebenzi olugunyaziso ngokwasemthethweni wokuqinisekisa ukonyulwa kweKomiti Yokucebisa yeTrasti enameli bakarhulumente, beemanyano zabasebenzi, abeenkokheli zoluntu nabe-NGOs kunye nabanye abaphathiswa beTrasti abababona njengabanokunika iingcebiso eziluncedo kwiTrasti.

UKUNGENISWA KWAMABANGO

Onke amabango kufanele angeniswe ngabafaki-mabango kwiGosa Lokungeniswa kwaMabango.

Ukuba ngaba iGosa Lokungeniswa kwaMabango alanelisekanga ukuba umfaki-bango ungiseni amaxwebhu adingekayo ukuxhasa ibango lakhe, iGosa Lokungeniswa kwaMabango liya kumazisa umfaki-bango ukuba ngawaphi na amaxwebhu angekhoyo kwaye apho kufanelekileyo, lincedise umfaki-bango ekufumaneni lo maxwebhu.

Amanye amaxwebhu, kuquka iirekhodi zengqesho, kungathatha ixesha ukuwaqinisekisa kakhulu ngenxa yemeko yokugcinwa kweerekhodi okungekho semgangathweni ngakumbi kwiminyaka engaphambili.

Ukuba ngaba iGosa Lokungeniswa kwaMabango lanelisekile ukuba amaxwebhu adingekayo angeniswe ngumfaki-bango, ukuba ngaba ngumombi-mgodi, ingenguyi umntu oxhomekeke ngokwenkxaso-mali kumombi-mgodi, umfaki-bango uya kuthunyelwa kwigcisa lezempilo eliqinisekisiweyo ukuze enziwe uxilongo lwezempilo. **Olun xilongo lwezempilo alusayi kudingeka ukuba ngaba umfaki-bango ukulo naluphi kwezi ndidi zilandelayo:**

1	Ukuba ngaba umfaki-bango sele enayo ingxelo yezonyango, yona kunye namanye amaxwebhu okufaka ibango kufuneka zingeniswe kwiPhaneli yoQinisekiso lwezoNyango,
2	Ukuba ngaba umfaki-bango unesetifikethi esamkelekileyo ngokwe-ODMWA esikhutshwe emva komhla we-10 Disemba 2019, kufuneka sigeniswe kwikomiti yoQinisekiso yeTrasti;
3	Ukuba ngaba umfaki-bango unesetifikethi esamkelekileyo ngokwe-ODMWA esikhutshwe ngaphambili kombha we-10 Disemba 2019, umfaki-bango kufuneka akwazi ukukhetha ukuba isetifikethi sigeniswe kwikomiti yoQinisekiso yeTrasti, okanye endaweni yoko umfaki-bango ngokukhetha kwakhe unokuthunyelwa ukuba ayokwenza uxilongo olungaphezulu lwezempilo oluquka uvavanyo lokusebenza kwemiphunga, ukuhlola ukuba ingaba umgangatho wemeko yesigulo somfaki-bango wehlile na ngeli xesha.

Ukuba ngaba kuacacile kumaxwebhu angensisiweyo ukuba umfaki-bango akangekhe nangaphantsi kwazo naziphina iimeko akwazi ukuqinisekiswa njengomfaki-bango ofanelekileyo, iGosa Lokungeniswa kwaMabango liyakwenza iirekhodi yangaphakathi yokungafaneleki lize likhuphe iSaziso Sokungafaneleki esiya kumfaki-bango esichaza izizathu zesigqibo eso.

Umfaki-bango unokucela ukuba siqwalaselwe kwakhona iSaziso Sokungafaneleki zingekapheli iintsuku ezingama-30 emva kokuba sikhutshelwe umfaki-bango.

INKQUBO YAMABANGO

AMAZIKO OXILONGO LWEZEMPILO

ITrasti inomsebenzi olugunyaziso ngokwasemthethweni lokumiseka amaziko oxilongo lwezempilo okwenza uxilongo oluthembakeleyo, kuquka ukuxilongwa kwezidumbu ezityandliweyo apho kufanelekileyo. Abaphathiswa beTrasti baya kuqulunqa baze bagcine Irejistri yamaziko ezempilo avunyiweyo, imibutho kunye neengcali.

UXILONGO LWEZEMPILO

Apho umfaki-bango ethe wenziwa uxilongo lwezempilo, xa ngaba umfaki-bango wayenze umsebenzi onomgcipehko kumgodi omnye okanye ngaphezulu kuleyo ifanelekileyo isithuba esingaphezulu kweminyaka emihlanu, iTrasti yiyo eyakuthwala iindleko zoxilongo lwezempilo. Apho umfaki-bango ethe wenziwa uxilongo lwezempilo kodwa wayenze umsebenzi onomgcipehko iminyaka engaphantsi kwemihlanu kumgodi omnye okanye ngaphezulu kuleyo ifanelekileyo, umfaki-bango nguye oyakuthwala iindleko zoxilongo, kodwa uya kubuyekenza ngezo ndleko ukuba naxa eqinisekisiwe njengomfaki-bango ofanelekileyo kwaye wahlawulwa inzuzo.

Kulandela uxilongo, igcisa eliqinisekisiweyo (ngokuncediswa liGosa Lokungeniswa kwaMabango) liya kungenisa ingxelo yezonyango kunye namaxwebhu okungenisa ibango kwiPhaneli yoQinisekiso lwezoNyango. Inxelo yezonyango inokuquka ii-x-reji neminye imifanekiso yokuqiniseka ethathwe ngomathini, kunye neziphumo zeemvavanyo zokusebenza kwemiphunga.

IPhaneli yoQinisekiso lwezoNyango iya kuqwalasela ingxelo yezempilo ize, ukuba yanelisekile, ikhuphe iSetifikethi Sokufunyanisiweyo ngezoNyango. Ngaphandle kokuba iSetifikethi Sokufunyanisiweyo ngezoNyango sigqibisa ekubeni umfaki-bango akafanelekanga ngokwezempilo, okanye umombi-mgodi osele wasweleka afaka ibango ngokunxulumene naye lowo oxhomekeke kuye ngokwenkxaso yemali akafanelekanga ngokwezempilo, iPhaneli yoQinisekiso lwezoNyango iyakungenisa iSetifikethi Sokufunyanisiweyo ngezoNyango kunye namanye amaxwebhu okungenisa ibango kwikomiti yoQinisekiso yeTrasti.

Xa ngaba iSetifikethi Sokufunyanisiweyo ngezoNyango sibonisa ukuba umfaki-bango (ongenguyi umntu oxhomekeke ngokwenkxaso yemali) akafanelekanga ngokwezempilo, ukungenisa elinye ibango elinye (1) – elinye kuphela – kwaye abenelungelo lokufumana esinye iSetifikethi Sokufunyanisiweyo ngezoNyango ngokusekelwe kwenye ingxelo yezonyango. Umfaki-bango nguye oya kuhlawula iindleko zoxilongo kodwa uya kubuyekenza ngezo ndleko ukuba naxa eqinisekisiwe njengomfaki-bango ofanelekileyo kwaye wahlawulwa inzuzo.

UQINISEKISO

Ngaphandle kokuba iKomiti yoQinisekiso yeTrasti igqiba ekubeni umfaki-bango akanalo ilungelo lokufumana iinzuzo kwaye ikhuphe iSaziso Sokungafaneleki, iKomiti yoQinisekiso yeTrasti iya kungenisa Uqinisekiso lwayo kwi-Arhente emele iinkampani eziseke itirasti ukuqinisekisa ukuba ingaba ulwazi lwenkonzo olunxulumene nomombi-mgodi elibhekiselele kuye ibango elingenisiweyo luphelele. Uhlolo olwenziwa yi-Arhente lunokuthatha ukuya kutsho kwiintsuku ezingama-90 ngesicelo ngasinye kwaye luya kuxhomekela ikakhulu ekufumanekeni ngokulula kweerekhodi ezithile.

IPHANELI YOQINISEKISO LWEZONYANGO

IPaneli yoQinisekiso lwezoNyango eneengcali ezimbini ukuya kwezintathu zezigulo zemiphunga ezinxulumene nemisebenzi kufuneka imiselwe ukuze ihlole ingxelo yezonyango nganye engeniswe ukuxhasa amabango embuyekazo.

IKOMITI YOQINISEKISO YETRASTI

Kudingeka iKomiti yoQinisekiso yeTrasti enabantu abafanelekileyo ukuhlola amaxwebhu anxulumene nabo ngalinye elingeniswe kwigosa lokungeniswa kwamabango kunye navela kwiPhaneli yoQinisekiso lwezoNyango ukuze kufunyaniswe ukuba ingaba ibango ngalinye lifanelekile na.

UMLAWULI WEENTLAWULO

Umlawuli weNtlawulo unomsebenzi wokuqinisekisa ngokukuko ukuba umntu ngamnye ohlawulwa inzuzo siqinisekisiwe ngokukoko nangokuchanelekileyo isazisi sakhe ukuqinisekisa ukuba akukho mabango anobugqophololo ahlawulwayo.



AMABANGO ABANTU EKUNOKWENZEKA UKUBA BASWELEKA EMVA “KOMHLA WOKUQALISA”

Ukuba ngaba umfaki-bango wayesaphila ngomhla we-10 Disemba 2019 waze wasweleka ngaphambi kokuba akwazi ukungenisa ibango, umabi-lifa welifa lakhe unokulingenisa ibango.

IMISEBENZI YABAPHATHISWA BETRASTI

IMISEBENZI YABAPHATHISWA BETRASTI

Abaphathiswa beTrasti banesibophelelo sokuzalisekisa iNjongo yeTrasti, nekukuphumeza isivumelwano seNtlawulo kunye, ngokusekelwe koku, ukunikeza ngeenzuzo kubafaki-mabango abafanelekileyo. Kufuneka ikwenze oku kwizixa-mali kunye nangokusekelwe kuzo zonke iinkqubo neemfundo ezichazwe kwiNcwadi yeSigqibo yeTrasti ngokukhawuleza kangangoko kunokwenzeka.

Abaqhunguza isicwangciso sinyaka sezimali nokusebenza ukuphumeza iNjongo yeTrasti. Esi sicwangciso kufuneka sibe nezi zinto kodwa kungaphelanga kuzo:

- Ezenzengiso kunye nolwazi;
- Iindlela ekuza kwenziswa ngayo ukukhokelela phambili kokukhangela kunye nokwenza koxilongo lwezempilo kwabo abasenokuba ngabafaki-mabango;
- Ukusungula nokunikekisa ubukho bezakho ezanelo zokwenza uxilongo lwezempilo;
- Ukusungula nokunikekisa ubukho beendawo zokuba amaGosa Okungeniswa kwaMabango akwazi ukwenza imisebenzi yawo;
- Ukusungula nokunikekisa ubukho beengcalo zolwazi ngezobugcisa, ulwabi-mali kunye nezihlekileyo zolawulo.

IZIBONELELO, IINKQUBO NABASEBENZI

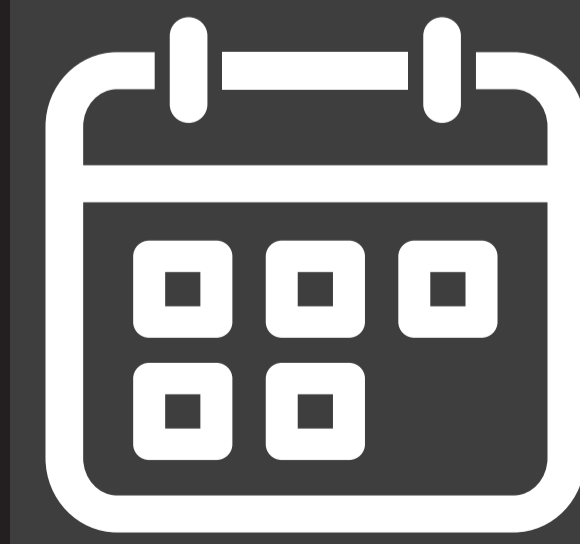
Abaphathiswa beTrasti kudingeka ukuba basungule futhi bagcine iinkqubo ezidingekayo zisebenza, kuquka iinkqubo zolwazi ngezobugcisa, ukwenza ukuba amaGosa Okungeniswa kwaMabango, iKomiti yoQinisekiso yeTrasti kunye noMlawuli weNtlawulo bakwazi ukwenza imisebenzi yawo ngokwemimiselo yale Ncwadi yeSigqibo yeTrasti.

I-AKAWUNTI NEENGXELO

Abaphathiswa beTrasti baya kuqinisekisa ukuba kugcinwa ngokulawulo iincwadi zezimali kunye neerekhodi ezimalunga nemiba yeTrasti kunye nolawulo lweNgxowa-mali yeTrasti nezobonisano ngokunyanisekileyo nangokuchanelekileyo ulawulo lwabo lwemiba nohshino lweTrasti kunye neerekhodi yeentsingiselo nobume bezezimali beTrasti.

I-AGM

Abaphathiswa beTrasti kufuneka babize iintlanganisano emye ubucinane yaBaphathiswa beTrasti kwinyanga ezintandathu zokuphela konyaka-mali ngamnye weTrasti.



UKUPHELISWA KWETRASTI

ITrasti iya kuhlala ikhona iminyaka eli-12